

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAROSLAW WASKOWSKI,

Plaintiff,

Case No. 11-CV-13036

v.

Hon. Sean A. Cox  
Magistrate Judge Majzoub

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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Lee Roy H. Temrowski (P31967)  
Attorney for Plaintiff  
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**DEFENDANT, STATE FARM'S, CLAIMS AND DEFENSES TO BE READ TO THE  
JURY**

The Plaintiff in this case is claiming that he is entitled to be paid for certain medical bills and services, including attendant care and household services provided by his daughters for injuries allegedly suffered as a result of a December 23, 2009. Defendant, State Farm Mutual Insurance Company paid benefits to Plaintiff until it became factually and medically apparent that the benefits paid to Plaintiff were not due to him. He was examined by Dr. Steve Gehringer, a physical medicine and rehabilitation specialist, who determined that Plaintiff was malingering. Defendant asserts there is no medical evidence to support any portion of Plaintiff's claims, even those which were paid.

Defendant also asserts that the medical benefits, including the attendant care and services provided by his daughters, was not reasonable, necessary or related to the

December 2009 accident. Defendant asserts that Plaintiff cannot establish reasonable charges for his claims regarding household services and attendant care, not can he prove that the services were actually incurred. Defendant also maintains that Plaintiff cannot provide sufficient documentation to support his claims for household services and attendant care, and cannot substantiate his wage loss claim.

### PROOF OF SERVICE

The Undersigned certifies that a copy of the foregoing instrument was served upon all counsel of record on November 26, 2012.  
I DECLARE THAT THE STATEMENT ABOVE IS TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

☐ U.S. Mail ☐ Fax ☐ Email

☐ Hand Delivery ☒ E-Filing ☐ Overnight

Karsten J. Chell

Date: November 26, 2012

Respectfully submitted,

**Hewson & Van Hellemont, P.C.**

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